

ESTTA Tracking number: **ESTTA751079**

Filing date: **06/08/2016**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following parties oppose registration of the indicated application.

Opposers Information

Name	Football Northwest LLC
Granted to Date of previous extension	06/08/2016
Address	12 Seahawks Way Renton, WA 98056 UNITED STATES

Name	NFL Properties LLC
Granted to Date of previous extension	06/08/2016
Address	345 Park Avenue New York, NY 10154 UNITED STATES

Attorney information	Kristin H. Altoff Morgan, Lewis & Bockius LLP 1111 Pennsylvania Ave. NW; Attn: TMSU Washington, DC 20004 UNITED STATES trademarks@morganlewis.com, kristin.altoff@morganlewis.com, felicia.gordon@morganlewis.com Phone:202.739.5093
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Applicant Information

Application No	86549369	Publication date	02/09/2016
Opposition Filing Date	06/08/2016	Opposition Period Ends	06/08/2016
Applicant	Concept Creative 2221 77th Avenue N.E. Medina, WA 98039 UNITED STATES		


Goods/Services Affected by Opposition

Class 035. First Use: 0 First Use In Commerce: 0
All goods and services in the class are opposed, namely: Promoting sports competitions and events of others

Grounds for Opposition


Priority and likelihood of confusion	Trademark Act Section 2(d)
Dilution by blurring	Trademark Act Sections 2 and 43(c)

Marks Cited by Opposer as Basis for Opposition


U.S. Registration No.	3341813	Application Date	04/06/2006
Registration Date	11/20/2007	Foreign Priority Date	NONE
Word Mark	SPIRIT OF 12		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 041. First use: First Use: 2006/06/30 First Use In Commerce: 2006/08/12 Arranging for ticket reservations for shows and other entertainment events; Arranging of contests; Arranging of exhibitions, seminars and conferences; Awards program for major corporations and individuals who have made significant charitable contributions; Charitable services, namely, providing sporting goods to underprivileged children; Contests and incentive award programs to encourage students and organization members to set up and achieve goals in academics, attendance, citizenship and conduct; Entertainment in the nature of football games; Entertainment services, namely, arranging and conducting of competitions in the nature of games of skill and chance and spirit competitions for sports fans; Entertainment services, namely, conducting contests; Entertainment services, namely, providing a television program in the field of football via a global computer network; Entertainment, namely, live music concerts; Fan clubs; Operation of sports camps; Organization of games; Organization of sports events in the field of football; Organizing community sporting and cultural events; Organizing exhibitions for the entertainment of football fans; Providing facilities for sports tournaments; Providing newsletters in the field of football via e-mail; Providing various facilities for an array of sporting events, sports and athletic competitions and awards programmes; Sport camps</p>		


U.S. Registration No.	3540842	Application Date	01/12/2007
Registration Date	12/02/2008	Foreign Priority Date	NONE
Word Mark	BRING ON THE 12		

Design Mark	BRING ON THE 12
Description of Mark	NONE
Goods/Services	Class 041. First use: First Use: 2006/12/31 First Use In Commerce: 2006/12/31 Arranging for ticket reservations for shows and other entertainment events; Arranging of contests; Arranging of exhibitions, seminars and conferences; Entertainment in the nature of football games; Entertainment services, namely, arranging and conducting of football competition games of skill for sport fans; Entertainment services, namely, conducting contests; Entertainment services, namely, providing a television program in the field of football via a global computer network; Fan clubs; Operation of sports camps; Organization of games; Organization of sports events in the field of football; Providing newsletters in the field of football via e-mail


U.S. Registration No.	3633279	Application Date	06/07/2006
Registration Date	06/02/2009	Foreign Priority Date	NONE
Word Mark	12		
Design Mark			
Description of Mark	The mark consists of an image of the fan displaying the "#1" hand sign in the center of the number "12".		
Goods/Services	Class 041. First use: First Use: 2008/08/15 First Use In Commerce: 2008/08/15 Entertainment services, namely, arranging and conducting of competitions for		

	sports fans; Entertainment services, namely, conducting contests; Fan clubs; Organizing exhibitions for football fans
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U.S. Registration No.	4701098	Application Date	12/31/2013
Registration Date	03/10/2015	Foreign Priority Date	NONE
Word Mark	WE ARE 12		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 025. First use: First Use: 2013/12/19 First Use In Commerce: 2013/12/19 Bottoms; Caps; Jerseys; Pants; Shirts; Tops; Wraps</p> <p>Class 041. First use: First Use: 2014/10/14 First Use In Commerce: 2014/10/14 Arranging for ticket reservations for shows and other entertainment events; Arranging of contests; Entertainment in the nature of football games; Entertainment services, namely, arranging and conducting of competitions for games of skill and chance and spirit competitions for sports fans; Entertainment services, namely, conducting contests; Fan clubs; Organisation of games; Organisation of sport events in the field of football; Organizing and arranging exhibitions for entertainment purposes; Organizing community sporting and cultural events; Organizing exhibitions for the entertainment of football fans; Organizing sporting events, namely, football; Providing information relating to sports and sporting events; Providing on-line newsletters in the field of football; Providing online newsletters in the field of football via e-mail; Providing various facilities for an array of sporting events, sports and athletic competitions and awards programmes</p>		

U.S. Registration No.	4773578	Application Date	11/08/2013
Registration Date	07/14/2015	Foreign Priority Date	NONE
Word Mark	12S		
Design Mark			
Description of	NONE		


Mark	
Goods/Services	Class 041. First use: First Use: 2014/02/02 First Use In Commerce: 2014/02/02 Arranging for ticket reservations for professional football games and other football entertainment events connected with professional football; arranging of contests for fans in connection with professional football games; entertainment in the nature of professional football games; entertainment services, namely, arranging and conducting of competitions for games of skill and chance and spirit competitions for professional football sports fans; entertainment services, namely, conducting contests for fans in connection with professional football games; fan clubs for professional football fans; organization of professional football games and games for professional football fans; organization of sports events in the field of professional football; organizing community sporting and cultural events; organizing exhibitions for the entertainment of professional football fans; organizing sporting events, namely, professional football and sporting events for professional football fans; providing information relating to professional sports and professional sporting events; providing on-line newsletters in the field of professional football; providing online newsletters in the field of professional football via e-mail


U.S. Registration No.	4775754	Application Date	09/09/2014
Registration Date	07/21/2015	Foreign Priority Date	NONE
Word Mark	12		
Design Mark			
Description of Mark	The mark consists of a stylized white "12" outlined in black on a blue rectangular background.		
Goods/Services	Class 041. First use: First Use: 2003/10/12 First Use In Commerce: 2003/10/12 Arranging for ticket reservations for shows and other entertainment events; Arranging of contests; Entertainment in the nature of football games; Entertainment services, namely, arranging and conducting of competitions for games of skill and chance and spirit competitions for sports fans; Entertainment services, namely, conducting contests; Fan clubs; Organization of games; Organization of sports events in the field of football; Organizing and arranging exhibitions for entertainment purposes; Organizing community sporting and cultural events; Organizing exhibitions for the entertainment of football fans; Organizing sporting		

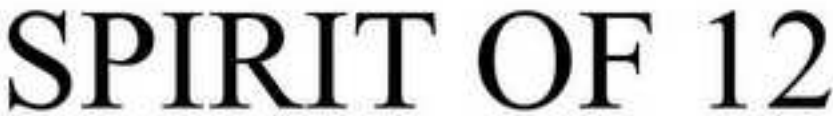
	events,namely, football; Providing informationrelating to sports and sporting events;Providing on-line newsletters in the field of football; Providing online newsletters in the field of football via e-mail
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U.S. Registration No.	4795923	Application Date	11/08/2013
Registration Date	08/18/2015	Foreign Priority Date	NONE
Word Mark	THE 12S		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 041. First use: First Use: 2015/03/31 First Use In Commerce: 2015/03/31 Arranging for ticket reservations for professional football games and other football entertainment events connected with professional football; Arranging of contests for fans in connection with professional football games; Entertainment inthe nature of professional football games; Entertainment services, namely, arranging and conducting of competitions forgames of skill and chance and spirit competitions for professional football sports fans; Entertainment services, namely, conducting contests for fans in connection with professional football games; Fan clubs for professional football fans;organization of professional football games and games for professional footballfans; organization of sports events in the field of professional football; Organizing community sporting and cultural events; Organizing exhibitions for the entertainment of professional football fans; Organizing sporting events, namely, professional football and sporting eventsfor professional football fans; Providing information relating to professional sports and professional sporting events;Providing on-line newsletters in the field of professional football; Providing online newsletters in the field of professional football via e-mail</p>		


U.S. Registration No.	3304717	Application Date	06/30/2006
Registration Date	10/02/2007	Foreign Priority Date	NONE
Word Mark	12		

Design Mark			
Description of Mark	The mark consists of The digit "1" is light blue, the digit "2" is dark blue. The image of the fan in the center is white and the "#1" hand sign is light blue.		
Goods/Services	Class 036. First use: First Use: 2006/06/30 First Use In Commerce: 2006/08/12 Accepting and administering monetary charitable contributions; Charitable fund raising; Philanthropic services concerning monetary donations; Political fund-raising services; Providing college scholarships; Providing educational scholarships; Providing grants to charitable organizations		
U.S. Registration No.	3300096	Application Date	06/30/2006
Registration Date	09/25/2007	Foreign Priority Date	NONE
Word Mark	12		


Design Mark	
Description of Mark	The mark consists of The image of the fan displaying the #1 hand sign in the center of the number 12.
Goods/Services	Class 036. First use: First Use: 2006/06/30 First Use In Commerce: 2006/08/12 Accepting and administering monetary charitable contributions; Charitable fund raising; Philanthropic services concerning monetary donations; Political fund-raising services; Providing college scholarships; Providing educational scholarships; Providing grants to charitable organizations


U.S. Registration No.	3413381	Application Date	06/30/2006
Registration Date	04/15/2008	Foreign Priority Date	NONE
Word Mark	SPIRIT OF 12		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 036. First use: First Use: 2006/06/30 First Use In Commerce: 2006/08/12 Accepting and administering monetary charitable contributions; Charitable fund raising; Philanthropic services concerning monetary donations; Political fund-raising services; Providing college scholarships; Providing educational scholarships; Providing grants to charitable organizations		

U.S. Registration	4692528	Application Date	07/31/2014
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No.			
Registration Date	02/24/2015	Foreign Priority Date	NONE
Word Mark	12		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 1984/10/00 First Use In Commerce: 2012/04/05 Capes; Jerseys; Long-sleeved shirts; Shirts; Short-sleeved or long-sleeved t-shirts; Short-sleeved shirts; Sports jerseys; Sweatshirts; T-shirts; Tops		

U.S. Registration No.	4631412	Application Date	02/09/2014
Registration Date	11/04/2014	Foreign Priority Date	NONE
Word Mark	12		

Design Mark	
Description of Mark	The mark consists of a stylized "12" in a white line stylization outlined in black on a blue rectangular background.
Goods/Services	Class 024. First use: First Use: 2003/10/12 First Use In Commerce: 2003/10/12 Banners and flags of textile; Cloth flags; Fabric flags; Towels

U.S. Registration No.	4611448	Application Date	02/09/2014
Registration Date	09/23/2014	Foreign Priority Date	NONE
Word Mark	12		
Design Mark			
Description of Mark	The mark consists of a stylized "12" in a white line stylization outlined in black on a blue rectangular background.		
Goods/Services	Class 016. First use: First Use: 2013/12/16 First Use In Commerce: 2013/12/16		

	Flags and pennants of paper; Flags of paper; Paper flags
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Attachments	78855182#TMSN.png(bytes) 77081923#TMSN.png(bytes) 78903375#TMSN.png(bytes) 86155503#TMSN.png(bytes) 86113192#TMSN.png(bytes) 86390111#TMSN.png(bytes) 86113193#TMSN.png(bytes) 78920493#TMSN.png(bytes) 78920486#TMSN.png(bytes) 78920500#TMSN.png(bytes) 86353913#TMSN.png(bytes) 86188606#TMSN.png(bytes) 86188608#TMSN.png(bytes) 12 DYNASTY Notice of Opposition.pdf(38529 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Kristin H. Altoff/
Name	Kristin H. Altoff
Date	06/08/2016

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

FOOTBALL NORTHWEST LLC and NFL
PROPERTIES LLC,

Opposers,

v.

CONCEPT CREATIVE,

Applicant.

In re Application Serial No. 86/549,369
Mark: 12 DYNASTY

Published: February 9, 2016

Opposition No. _____

NOTICE OF OPPOSITION

Opposers Football Northwest LLC and NFL Properties LLC (“Opposers”) believe they will be damaged by registration of the designation 12 DYNASTY shown in Application Serial No. 86/549,369 (“Applicant’s 12 DYNASTY Designation”), filed by Concept Creative, a Washington limited liability company located near Seattle, Washington (“Applicant”) for use in connection with “promoting sports competitions and events of others” in Class 35. Opposers hereby oppose registration of Applicant’s 12 DYNASTY Designation under the provisions of Sections 2(d), 13, 43(a) and 43(c) of the Trademark Act of July 5, 1946 (the “Lanham Act”), 15 U.S.C. §§ 1052(d), 1063, and 1125(c).

As grounds for opposition, Opposers allege that:

1. Opposer Football Northwest LLC d/b/a Seattle Seahawks (the “Seahawks” or “Seahawks Club”) is a Washington limited liability company, with a principal place of business at 12 Seahawks Way, Renton, Washington 98056. The Seahawks Club owns and operates a professional football team and provides entertainment services to the public in the form of competitive professional football games. The Seahawks Club is one of the thirty-two member clubs (the “Member Clubs”) of the National Football League (“NFL”).



2. Opposer NFL Properties LLC (“NFLP”) is a limited liability company organized and existing under the laws of Delaware with its principal place of business at 345 Park Avenue, New York, New York, 10154. NFLP represents the NFL and its thirty-two Member Clubs for the licensing and protection of their names, logos, symbols, and other identifying marks and is charged with protecting these marks and the rights of the NFL and the Member Clubs with respect thereto.

3. For many years, and long before the February 28, 2015, filing date of Applicant’s intent-to-use application, Opposers have used the mark 12 and variations thereof (“Opposers’ 12 Marks”) in connection with their business of organizing, conducting, and promoting the Seahawks football franchise.

4. For many years, and long before the February 28, 2015, filing date of Applicant’s intent-to-use application, Opposers and their authorized business partners, sponsors, and/or licensees have used Opposers’ 12 Marks on or in connection with the sale of a wide variety of goods and services related to the business of organizing, conducting, and promoting the Seahawks football franchise.

5. In addition to the common law rights in Opposers’ 12 Marks, the Seahawks Club owns registrations and applications for many of Opposers’ 12 Marks used in connection with entertainment services in the form of football games and exhibitions and promotional and merchandising products and services, including, among others, the following registrations issued by the United States Patent and Trademark Office (“PTO”):

Registration Number	Mark	International Class	Date of First Use in Commerce
3,341,813	SPIRIT OF 12	41	8/12/2006
3,540,842	BRING ON THE 12	41	12/31/2006
3,633,279	12 Stylized 	41	8/15/2008
4,701,098	WE ARE 12	25, 41	12/19/2013 (Cl. 25) 10/14/2014 (Cl. 41)
4,773,578	12S	41	02/02/2014
4,775,754	12 Stylized 	41	10/12/2003
4,795,923	THE 12S	41	03/31/2015
3,304,717	12 Stylized 	36	8/12/2006
3,300,096	12 Stylized 	36	8/12/2006
3,413,381	SPIRIT OF 12	36	8/12/2006
4,692,528	12 Stylized 	25	4/5/2012

Registration Number	Mark	International Class	Date of First Use in Commerce
4,631,412	12 Stylized 	24	10/12/2003
4,611,448	12 Stylized 	16	12/16/2013

6. The registrations referenced above are valid and subsisting, in full force and effect, and constitute *prima facie* and/or conclusive evidence of the Seahawks Club's exclusive right to use the marks in commerce in connection with the goods and services specified in the registrations.

7. The following registrations referenced above are incontestable pursuant to the provisions of Section 15 of the Lanham Act, 15 U.S.C. § 1065, and constitute conclusive evidence of the Seahawks Club's exclusive right to use the marks in commerce in connection with the goods and services specified in the registrations: 3,341,813; 3,300,096; 3,304,717; 3,413,381; 3,540,842 and 3,633,279.

8. During the longstanding, widespread and continuous use of Opposers' 12 Marks, Opposers and their authorized business partners, sponsors, and licensees have expended considerable time, effort, and money in advertising and publicizing the sale of goods and services bearing the Opposers' 12 Marks.

9. Opposers and their licensees and sponsors have sold and offered for sale goods and services bearing Opposers' 12 Marks in a trading area of broad geographical scope encompassing the United States, including its territories.

10. Opposers and their licensees and sponsors have sold and offered for sale goods and services bearing Opposers' 12 Marks in numerous channels of trade.

11. Opposers' 12 Marks are symbolic of the extensive goodwill and consumer recognition that Opposers have established through substantial expenditures of time, effort and other resources in the advertising and promotion of the goods and services Opposers sell and offer for sale under Opposers' 12 Marks.

12. The colors used by and associated with the Seahawks Club include green and blue.

13. As a result of Opposers' regular, extensive and well-publicized use, Opposers' 12 Marks are famous in the United States and are associated exclusively with Opposers and their high quality goods and services.

14. On February 28, 2015, Applicant filed an application under Section 1(b) of the Lanham Act, 15 U.S.C. § 1051(b), for federal registration of Applicant's 12 DYNASTY Designation shown in Application Serial No. 86/549,369.

15. The application for Applicant's 12 DYNASTY Designation covers "promoting sports competitions and events of others" in Class 35.

16. Upon information and belief, Applicant is using or intends to use Applicant's 12 DYNASTY Designation in a manner that intentionally trades off of the goodwill of Opposers' 12 Marks.

17. Upon information and belief, Applicant is using or intends to use Applicant's 12 DYNASTY Designation in connection with the colors blue and green, identical to the colors

used by and associated with the Seahawks Club, and with the “12” portion of the mark in the same or a similar font to that used by the Seahawks Club and covered by several registrations for Opposers’ 12 Marks.

18. Applicant’s 12 DYNASTY Designation, Application Serial No. 86/549,369, was published for opposition in the *Official Gazette* on February 9, 2016.

19. The Trademark Trial and Appeal Board extended the opposition period for Applicant’s 12 DYNASTY Designation by granting Opposers’ timely requests for extensions. The opposition period for Application Serial No. 86/549,369 currently expires on June 8, 2016. Therefore, Opposers timely file this opposition.

20. Opposers’ rights in and to Opposers’ 12 Marks are superior to those of Applicant.

21. Opposers’ 12 Marks are famous and became famous before the filing date or any use of Applicant’s 12 DYNASTY Designation.

22. Applicant’s application for and any use of Applicant’s 12 DYNASTY Designation are without the consent, authorization, or license of Opposers.

23. Opposers believe they will be damaged by registration of Applicant’s 12 DYNASTY Designation under Section 13 of the Lanham Act, 15 U.S.C. § 1063, on the ground that the subject designation so resembles Opposers’ 12 Marks used by Opposers in the United States as to be likely, when used on or in connection with the services identified in the application for Applicant’s 12 DYNASTY Designation, to cause confusion, mistake or to deceive consumers, with consequent injury to Opposers and to the public, in violation of Section 2(d) of the Lanham Act, 15 U.S.C. § 1052(d).

24. Opposers believe they will be damaged by registration of Applicant’s 12 DYNASTY Designation under Section 13 of the Lanham Act, 15 U.S.C. § 1063, because the use

and registration of Applicant's 12 DYNASTY Designation is likely to dilute the distinctive quality of Opposers' famous 12 Marks, in violation of Section 43(c) of the Lanham Act, 15 U.S.C. § 1125(c).

WHEREFORE, Opposers believe they will be damaged by registration of Applicant's 12 DYNASTY Designation shown in Application Serial No. 86/549,369 and respectfully request that the registration sought by Applicant be refused.

Dated: June 8, 2016

Respectfully submitted,

By: /s/ Kristin H. Altoff

Kristin H. Altoff

Morgan, Lewis & Bockius LLP

1111 Pennsylvania Ave., N.W.

Washington, D.C. 20004

Tel: (202) 739-3000

Fax: (202) 739-3001

Attorneys for Opposers

FOOTBALL NORTHWEST LLC and NFL

PROPERTIES LLC

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Notice of Opposition has been sent via first class mail, postage pre-paid on this 8th day of June 2016 to:

Leslie Danz
Concept Creative
2221 77th Ave NE
Medina, Washington 98039-2318

/Kristin H. Altoff/